[1] The Cochin Town Councils Bill

Dr. A. R. Menon *(Minister for Rural Development):* I move that the Cochin Town Councils Bill be taken up and finally passed.

Mr. K. P. Kannan Nayar *(Secretary to Government):* I second it.

Mr. T. V. Subramania Ayyar *(Nemmara):* I oppose it.

Motion put and carried

[2] The Cochin Wireless Telegraphy Bill

Mr. M. Sivarama Menon *(Advocate-General):* I move that the Cochin Wireless Telegraphy Bill be taken up and finally passed.

Mr. K. P. Kannan Nayar *(Secretary to Government):* I second it.

Motion put and carried

[3] The Cochin Rubber Control Act (Amendment) Bill

Mr. P. J. George *(Joint Secretary to Government):* I move that the Cochin Rubber Control Act (Amendment) Bill be taken up and finally passed.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried

[4] The Cochin Forest Act (Amendment) Bill

Mr. T. Narayana Menon *(Conservator of Forests):* I move that the Cochin Forest Act (Amendment) Bill be taken up and finally passed.

Mr. K. V. Menon *(Publicity Officer):* I second it.

Motion put and carried

[5] The Cochin Prisons Act (Amendment) Bill

Mr. K. P. Kannan Nayar *(Secretary to Government):* I move that the Cochin Prisons Act (Amendment) Bill be taken up and finally passed.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried

[6] The Cochin Lunacy Act (Amendment) Bill

Mr. K. P. Kannan Nayar *(Secretary to Government):* I move that the Cochin Lunacy Act (Amendment) Bill be taken up and finally passed.

Mr. M. Sivarama Menon *(Advocate-General):* I second it.

Motion put and carried

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[1] Vide Appendix I
[2] Vide Appendix II
[3] Vide Appendix III
[4] Vide Appendix IV
[5] Vide Appendix V
[6] Vide Appendix VI

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10. *Amendment to Act V of 1096.*—In the Cochin Telephone Act, V of 1096—

(*a*) in clause (1) of section 2 the words "making or transmitting" shall be substituted for the words "making, transmitting or receiving" and

(*b*) in section 3, the words "nor shall a private person deal in telephones or parts thereof" shall be deleted.

APPENDIX III

THE COCHIN RUBBER CONTROL ACT (AMENDMENT) BILL

Preamble.—WHEREAS it is expedient to further amend the Cochin Rubber Control Act, XXXIV of 1111, as extended by Proclamation III of 1114; It is hereby enacted as follows.—

1. (1) *Short title and commencement.*—This Act may be called the Cochin Rubber Control (Amendment) Act; 111 .

(2) It shall be deemed to have come into force on the 17th day of Dhanu 1114 corresponding to the 1st day of January 1939.

2. *Amendment to section 1.*—For sub-section (4) of section 1 of the Cochin Rubber Control Act, XXXIV of 1111, hereinafter referred to as the Act substitute the following —

"It shall continue in force until such time as Govenment shall, by notification in the Cochin Government Gazette, determine".

3. *Amendment to section 2.*—In section 2 of the Act—

(1) for clauses (*b*) to (*e*) the following shall be substituted.—

"(*b*) 'to export' means to take out of Cochin by land, sea or air to a French or Portuguese settlement bounded by India or to any place outside India.

(*c*) 'to plant' means to propagate a rubber plant from seed or any living portion of the rubber plant that may be used to propagate it; 'new planting' means planting in an area which has not since the 1st day of June 1934, carried any rubber plants or substituting in an area carrying rubber plants and other growths, rubber growths for those other growths; 'to replant' means to plant, in such circumstances as not to constitute new planting, on any one acre of an area carrying rubber plants on the 1st day of June 1934, more than thirty rubber plants; and 'to supply' means so to plant on any one acre of such an area thirty rubber plants or less ;

(*d*) 'rubber' means—

(*i*) crude rubber, that is to say, rubber prepared from the leaves, bark or latex of any rubber plant,

(*ii*) the latex of any rubber plant, whether fluid or coagulated, in any stage of the treatment

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to which it is subjected during the process of conversion into rubber, and

(*iii*) latex in any state of concentration, and includes, for the purposes of determining net exports and regulating export, the rubber content of any article manufactured wholly or partly from crude rubber in India;

(*e*) 'rubber plant' includes plants, trees, shrubs and vines, and any leaves, flowers, seeds, buds, twigs, branches, roots and any living portion thereof, that may be used to propagate any of the following namely.—

(*i*) Hevea Braziliensis (Para rubber)

(*ii*) Manihot Glaziovii (Ceara rubber)

(*iii*) Castilloa elastica

(*iv*) Ficus elastica (Rambong)

(*v*) any other plant, tree, shrub or vine which Government may by notification in the Cochin Government Gazette, declare to be a rubber plant for the purposes of this Act ;".

(2) The following shall be added as clause (*g*).—

"(*g*) 'International Rubber Regulation Committe' means the committee referred to as such in the Indian Rubber Control Act, XXVIII of 193 , as amended up-to date."

4. *Substitution of section 3.*—For section 3 of the Act, the following section shall be substituted, namely.—

"3. *Limitation of application of Act.*—Nothing in this Act shall apply to the export of rubber by parcel, post or to the re-export of rubber contained in imported manufactured articles."

5. *Substitution of Section 4.*—For section 4 of the Act, the following shall be substituted.—

"4. (1) *Control of export of rubber and rubber plants.*—No rubber the growth or produce of India shall be exported unless covered by a license and a certificate of origin issued on behalf of the Licensing Committee ;

(2) No rubber the growth or produce of a country other than India shall be re-exported unless covered by a certificate of origin issued by an official empowered in that behalf by the Government of such country and endorsed by or on behalf of the Licensing Committee ;

(3) No person shall export rubber plants except to a territory specified in the schedule :

Provided that the export of rubber plants to such territories shall be subject to such conditions as Government may think fit to prescribe ;

(4) Every person exporting rubber plants to, or importing rubber plants from, a territory specified in the schedule shall within such time and in such manner as may be prescribed, submit to the Licensing Committee a return showing the particulars of such exportation or importation.

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(5) Government may by Notification in the Cochin Government Gazette add to the schedule any territory to which rubber plants may be exported.

6. *Amendment to section 7.*—In section 7 of the Act the word "overseas" occurring between the words "exported" and "before" shall be deleted.

7. *Substitution of section 8.*—For section 8 of the Act the following shall be substituted.—

"8. *Shipment of rubber only on production of export license.*—No consignment of rubber shall be shipped or waterborne to be shipped for export or exported from Cochin until the owner or transferee has delivered to the Customs Collector, a valid export license or special license in duplicate granted by the Licensing Committee covering the quantity to be shipped or exported."

8. *Amendment to section 9.*—In section 9 of the Act for the words "or permit" the words "or certificate of origin" shall be substituted.

9. *Amendment to section 10.*—For section 10 of the Act the following sections shall be substituted.—

"10. (1) *Control of cultivation of rubber.*—So long as this Act remains in force no person shall, save in pursuance of a written permission granted by or on behalf of the Licensing Committee under this Act,—

(*a*) carry out new planting of rubber plants on any land except for the purpose of supply, or

(*b*) after the expiry of the year 1940, replant any land with rubber plants where any limitations on such relpanting have been imposed under sub-section (3) of section 10-A.

(2) Orders passed by the Licensing Committee on applications for permission under sub-section (1) shall be subject to appeal to Government and "no orders passed" by the Licensing Committee or Government under this section shall be questioned in any court of law.

10-A. (1) *Permission for new planting.*—The total area in Cochin in respect of which permission for new planting otherwise than for the purpose of supply may be granted in the year 1940 shall be such area, being as nearly as may be five *per centum* of the total area which was planted with rubber plants on the 31st day of December 1938 as the Government of India may by Notification in their Official Gazette and in the Cochin Government Gazette specify in this behalf, or such larger area as they may, by like Notification, designate as being fixed in this behalf for those years by the International Rubber Regulation Committee, and shall not thereafter in any period exceed such area as they may, in like manner, designate as so fixed for that period:

Provided that such area may be modified to provide for such transfers of permissions for new planting between Cochin State and British India or any other Indian State as may be consented to by the Licensing Committee and under any law or order having the force of law in British India or in such other Indian State.

(2) A permission granted for new planting during the years 1939 and 1940 shall cease to be of effect at the end of the year 1940 and any

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such permission granted thereafter shall cease to be of effect at the end of the particular period referred to in sub-section (1) within which it was granted.

(3) Until the end of the year 1940, there shall be no restrictions upon re-planting but thereafter replanting shall be subject to such limitations, if any, as the Government of India may, by Notification in their Official Gazette and the Cochin Government Gazette designate as imposed in this behalf by the International Rubber Regulation Committee.

10-B. *Transfer of permission for new planting.*—With the consent of the Committee.—

(*a*) a permission of new planting under section 10 may be transferred within Cochin State wholly or in part, and

(*b*) where provision in this behalf is made by or under any law or order having the force of law in British India or any other Indian State a permission for new planting granted under this Act or under such law or order may be transferred, wholly or in part, to or from British India or such other Indian State as the case may be.

10-C. *Rules as to principles governing grants of permissions for new planting etc.*—The licensing Committee shall make bye-laws to regulate the principles and procedure to be followed in granting permissions for new planting and for giving consent to transfers of such permissions.

10. *Deletion of section 11.*—Section 11 of the Act shall be deleted.

11. *Amendment to section 12.*—In section 12 of the Act.—

(1) in sub-section (1) the words "or stocks" shall be deleted.

(2) in sub-section (2) the words "or the holding of stocks" occurring at the end shall be deleted.

12. *Substitution sections of 14, 15 and 16.*—For sections 14, 15 and 16 of the Act the following shall be substituted,—

"14. *Penalty of illicit export.*—A breach of the provisions contained in sections 4 or 8 of this Act shall be punishable as if it were an offence under item 8 of section 166 of the Cochin Sea Customs Act, XII of 1109 and the provisions of section 167 and of Chapter XVII of that Act shall apply accordingly.

15. *Penalty for illicit cultivation.*—Whoever carries out new planting of rubber plants or causes such new planting to be carried out in contravention of section 10 of this Act shall be punishable with fine which may extend to one thousand rupees for the first offence and with fine which may extend to five thousand rupees for any subsequent offence.

16. *Removal for rubber plants planted without permission.*—Whenever a person has been convicted of an offence under section 15, the convicting court shall be empowered to direct that rubber plants planted in contravention of section 10 be removed from the land within a prescribed time and in the event of the order not being complied with such court shall be empowered to remove the rubber plants and to collect from the person convicted the cost of effecting the removal as if it were arrears of land revenue due from the estate on which the offence was committed."

13. *Amendment to section 19.*—In section 18 of the Act, the words "or the holding of rubber stocks" shall be deleted.

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14. *Amendment to section 19.*—In section 19 of the Act, for the words and figures "sections 14, 15, 17 and 18" the words and figures "sections 15, 17 and 18" shall be substituted.

15. *Addition of schedule.*—The following shall be added as a schedule to Act.—

"THE SCHEDULE

[See section 4 (2)]

1. French Indo-China.

2. Burma, Ceylon, the Federated Malay States, the Unfederated Malay State, the Straits Settlements, the State of North Borneo, Brunel and Sarawak.

3. The Netherlands Indies.

4. Siam."

16. *Repeal.*—Proclamation III of 1114 is hereby repealed.

APPENDIX IV

THE COCHIN FOREST ACT (AMENDMENT) BILL

Preamble.—WHEREAS it is expedient to further amend the Cochin Forest Act, III of 1080, it is hereby enacted as follows.—

1. *Short title and commencement.*—This Act may be called "The Cochin Forest (Amendment) Act ..... of 111.." and shall come into force at once.

2. *Substitution of "Government" for "Sirkar' throughout the Act.*—The word "Government" shall be substituted for the word "Sirkar" whether it occurs in the Cochin Forest Act, III of 1080, hereinafter referred to as the Act.

3. *Amendment to section 2.*—In section 2 of the Act—

(1) in clause (*h*), for the words "goats and kids" the following shall be substituted.—"goats, kids, cows, bulls, calves and heifers";

(2) in clause (*k*) for the words "Divisional Forest Officer, Forest Ranger, Forester, Forest Guard, Watcher, Vicharippukaran, Aminadar, Masapady, or Boundary Peon" the words "Range Officer, Deputy Ranger, Forester, Forest Guard, Watcher, or Tanadhar" shall be substituted;

(3) in clause (l) between the words "officiating Conservator" and "any officer" the word "or" shall be inserted and all the words occurring after the words "Forest Department of the State" shall be deleted;

(4) in clause (*n*) the word "Cochin" shall be substituted for the word "Sirkar".

4. *Amendment to section 8.*—In section 8 of the Act—

in clause (*c*)—

(1) between the words "to" and "acquire", the following shall be inserted.—"enquire into and determine the existence, nature and extent, of any rights claimed by, or alleged to exist, in favour of, any

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